

**REMARKS**

Claims 1 through 26 remain pending in the application. The allowance of the application containing these claims had been withdrawn August 17, 2005. All claims have been newly rejected. Favorable reconsideration and withdrawal of the rejections in light of the following comments are respectfully solicited. A petition for one month extension of the period for response, with appropriate fee charge authorization, is filed herewith.

Claims 1, 9, 15 and 24 through 26 have been rejected under 35 U. S. C. § 102(e) as being anticipated by U.S. patent 6,370,455 (Larson). This patent was identified in the Information Disclosure Statement filed December 11, 2003. The rejection is respectfully traversed. Claim 1 is reproduced below.

1. A diagnostic system for diagnosing a malfunction during the operation of an instrument that gathers and analyzes real-time data associated with a vehicle, the system comprising:  
one or more information-gathering devices for gathering the real-time data associated with the instrument;  
a memory device in communication with the information-gathering devices for storing the real-time data associated with the instrument; and  
a data replay system in communication with the memory device for playing back the real-time data associated with the instrument after the real time data associated with the vehicle or the instrument was gathered.

Each of claims 9, 15 and 24 through 26 contain similar requirements for playing back real-time data associated with the instrument after the real-time data was gathered. The Office Action, at page 2, reads the Larson disclosure on the claimed elements, relying primarily on Fig. 1 and column 8 of the specification. From the Larson disclosure, it is inferred in the Office Action that the phrase "log files for performing error-detection (at line 34)," coupled with the

description of detection of an error condition during analysis (in the next full paragraph), connotes playback of real time data.

It is submitted that there is no explicit description of a replay system for playing back the real-time data associated with the instrument, as required by claim 1. It is not clear from the Larson disclosure what is meant by the term "program log files" nor that such files are the same as real time storage of data associated with the instrument. An earlier portion of the first paragraph in column 8 describes useful information extracted from the transmitted data which, it is submitted, is in contradiction to the use of real time data.

In addition, there is no description in Larson of play back of the real time data after the real time data was gathered. The second paragraph of column 8 discusses issuance of diagnostic functions after detection of an error function. Results are then transmitted for analysis. There is no description in this paragraph that the transmitted results comprise real time data, let alone a replay of real time data obtained prior to detection of the error.

It is submitted, therefore, that claims 1, 9, 15 and 24 through 26 are not anticipated by Larson. Withdrawal of the rejection is respectfully solicited.

Claims 2 through 8, 10 through 14 and 16 through 23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Larson patent in view of U.S. patent 5,809,658 (Jackson). Each of these claims also requires play-back control means for causing selective display of images or analysis data in response to activation of a play-back control.

The Jackson patent has been relied upon for disclosing the wheel alignment details required by the dependent claims and for concluding that it would have been obvious to provide

**Application No.: 10/628,044**

such a wheel alignment system in the Larson system. The Jackson patent does not disclose the real time playback feature required by the independent claims. The Jackson disclosure, considered with the disclosure of Larson, does not fulfill the failure of the Larson disclosure to suggest the play-back control for selectively displaying images.

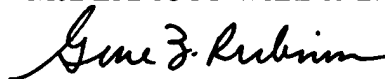
It is submitted, therefore, that claims 2 through 8, 10 through 14 and 16 through 23 are patentably distinguishable. Withdrawal of the rejection is respectfully solicited.

Allowance of the application is respectfully solicited. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Gene Z. Robinson  
Registration No. 33,351

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 GZR:cms  
Facsimile: 202.756.8087  
Date: **April 7, 2006**

**Please recognize our Customer No. 20277  
as our correspondence address.**